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NOTICE OF ALLOWANCE AND FEE(S) DUE

7590

08/06/2009

Jeffrey C. Hood
Meyertons, Hood, Kivlin, Kowert & Goetzel
P.O. Box 398
Austin, TX 78767

EXAMINER

TECKLU, ISAAC TUKU

ART UNIT

PAPER NUMBER

2192

DATE MAILED: 08/06/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/602,553

06/24/2003

Thomas A. Makowski

5150-81000

1242

TITLE OF INVENTION: FUNCTION SPECIFIC GRAPHICAL PROGRAM PROPERTY NODES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	11/06/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

7590

08/06/2009

Jeffrey C. Hood
Meyertons, Hood, Kivlin, Kowert & Goetzel
P.O. Box 398
Austin, TX 78767

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

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nonprovisional

NO

\$1510

\$300

\$0

\$1810

11/06/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
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TECKLU, ISAAC TUKU

2192

717-109000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

1 _____

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

☐ Issue Fee

☐ Publication Fee (No small entity discount permitted)

☐ Advance Order - # of Copies _____

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

☐ A check is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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ART UNIT

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 840 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 840 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability	Application No.	Applicant(s)	
	10/602,553	MAKOWSKI ET AL.	
	Examiner	Art Unit	
	ISAAC T. TECKLU	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 04/23/2009.
2. ☒ The allowed claim(s) is/are 82-84 and 86-102 (renumbered as claim 1-20).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
|---|---|

/Isaac T Tecklu/
Examiner, Art Unit 2192

/Tuan Q. Dam/
Supervisory Patent Examiner, Art Unit 2192

Art Unit: 2192

DETAILED ACTION

1. Claims 1-81 and 85 have been cancelled.
2. Claims 82-84 and 86-102 are allowed.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appear below. Should the change and/or additions be unacceptable to the Applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such amendment, it MUST be submitted no later than the payment of issue fee.

Authorization for examiner's amendment was given in a telephone interview with Mark S. Williams, Reg. No. 50,658, on July 27, 2009 to put the case in condition for allowance.

4. The Claims are amended, as presented below, to adopt the changes provided by Applicant's representative on July 27, 2009.

IN THE CLAIMS:

The claim listings below replace all prior versions, and listings, of claims in the application.

Please cancel claim 85 and amend claims 82, 86-87, and 102 as follows:

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1-81. (Cancelled)

82. (Currently Amended) A computer readable storage memory medium comprising program instructions, wherein the program instructions are executable by a processor to:

display a function node in a graphical program on a display, wherein the graphical program comprises a plurality of nodes and connections between the plurality of nodes, wherein the plurality of connected nodes visually indicate functionality of the graphical program, and wherein the function node is executable in the graphical program to perform a first function;

display a function specific property node in the graphical program on the display, wherein the function specific property node is specific to the first function, wherein the function specific property node comprises a plurality of properties of the first function;

associate the function specific property node with the function node;

display the plurality of properties on the display; and

receive user input selecting one or more of the plurality of properties;

wherein the selected one or more properties are accessible during execution of the graphical program, and wherein, during execution of the graphical program, the function specific property node is executable to:

receive input specifying a modification to at least one of the one or more properties; and

modify the at least one of the one or more properties in response to the input to configure the function node to perform the first function, wherein, after said modifying, the function node is executable in the graphical program to perform the first function in accordance with the modified at least one of the one or more properties.

83. (Previously Presented) The memory medium of claim 82, wherein the property node is statically typed to correspond to the function node.

84. (Previously Presented) The memory medium of claim 82, wherein the function specific property node visually indicates the association with the function node.

85. (Cancelled).

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86. (Currently Amended) The memory medium of claim 82, wherein, prior to said displaying the plurality of properties on the display, ~~the program instructions are~~ the function specific property node is executable to:

display one or more filtering options for available properties of the function node, wherein the available properties include the plurality of properties; and

receive user input indicating a first filtering option of the one or more filtering options, wherein said displaying the plurality of properties is performed in accordance with the first filtering option.

87. (Currently Amended) The memory medium of claim 82, wherein, during execution of the graphical program, ~~the program instructions are~~ the function specific property node is executable to:

read at least one of the plurality of properties from the function node; and

provide the at least one property to a graphical program element comprised in the graphical program.

88. (Previously Presented) The memory medium of claim 87, wherein the graphical program element comprises a GUI, wherein the GUI is operable to display the at least one property during execution of the graphical program.

89. (Previously Presented) The memory medium of claim 82, wherein the function node comprises a timing node, operable to provide timing functionality for the graphical program; and

wherein the function specific property node comprises a timing property node.

90. (Previously Presented) The memory medium of claim 82,

wherein the function node comprises a triggering node, operable to provide triggering functionality for the graphical program; and

wherein the function specific property node comprises a triggering property node.

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91. (Previously Presented) The memory medium of claim 82,
wherein the function node comprises a read node, operable to provide data acquisition (DAQ) functionality for the graphical program; and
wherein the function specific property node comprises a read property node.

92. (Previously Presented) The memory medium of claim 82,
wherein the function node comprises a write node, operable to provide signal generation functionality for the graphical program; and
wherein the function specific property node comprises a write property node.

93. (Previously Presented) The memory medium of claim 82,
wherein the function node comprises a channel creation node, operable to create a channel for the graphical program; and
wherein the function specific property node comprises a channel property node, operable to access channel properties of the created channel.

94. (Previously Presented) The memory medium of claim 82,
wherein the function node comprises a calibration information data structure that is operable to provide calibration information for a device used by the graphical program; and
wherein the function specific property node comprises a calibration information property node.

95. (Previously Presented) The memory medium of claim 82,
wherein the function node comprises an export signal data structure that is operable to provide export signal data for the graphical program; and
wherein the function specific property node comprises an export signal property node.

96. (Previously Presented) The memory medium of claim 82,

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wherein the function node comprises a switch channel specification for the graphical program; and

wherein the function specific property node comprises a switch channel property node.

97. (Previously Presented) The memory medium of claim 82,
wherein the object comprises a switch scanning task specification for the graphical program; and

wherein the function specific property node comprises a switch scan property node.

98. (Previously Presented) The memory medium of claim 82,
wherein the function node comprises a scale specification for the graphical program; and
wherein the function specific property node comprises a scale property node.

99. (Previously Presented) The memory medium of claim 82,
wherein the function node comprises a data structure storing software configuration information for a host computer system; and
wherein the function specific property node comprises a system property node.

100. (Previously Presented) The memory medium of claim 82,
wherein the function node comprises a data structure that stores general task information,
including one or more of:

a task name;

one or more channel names;

a number of channels; or

a task status indicator; and

wherein the function specific property node comprises a task property node.

101. (Previously Presented) The memory medium of claim 82,
wherein the function node represents a hardware device; and
wherein the function specific property node comprises a device property node.

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102. (Currently Amended) A system, comprising:

a processor; and

a memory medium coupled to the processor, wherein the memory medium stores program instructions executable by the processor to:

display a function node in a graphical program on a display, wherein the graphical program comprises a plurality of nodes and connections between the plurality of nodes, wherein the plurality of connected nodes visually indicate functionality of the graphical program, and wherein the function node is executable in the graphical program to perform a first function;

display a function specific property node in the graphical program on the display, wherein the function specific property node is specific to the first function, wherein the function specific property node comprises a plurality of properties of the first function;

associate the function specific property node with the function node;

display the plurality of properties on the display; and

receive user input selecting one or more of the plurality of properties;

wherein the selected one or more properties are accessible during execution of the graphical program, and wherein, during execution of the graphical program, the function specific property node is executable to:

receive input specifying a modification to at least one of the one or more properties; and

modify the at least one of the one or more properties in response to the input to configure the function node to perform the first function, wherein, after said modifying, the function node is executable in the graphical program to perform the first function in accordance with the modified at least one of the one or more properties.

--End--

Allowable Subject Matter

5. The following is an examiner's statement of reasons for allowance:

As applicant pointed out under Remark section, pages 7-12, Kudukoli et al. (US 2001/0024211 A1), taken either singly and/or in combination with other cited prior arts, do not teach the combined functional limitations of displaying a function specific property node in the graphical program on the display, wherein the function specific property node is specific to the first function, wherein the function specific property node comprises a plurality of properties of the first function; associate the function specific property node with the function node; displaying the plurality of properties on the display; and receiving user input selecting one or more of the plurality of properties; wherein the selected one or more properties are accessible during execution of the graphical program, and wherein, during execution of the graphical program, the function specific property node is executable to: receive input specifying a modification to at least one of the one or more properties; and modify the at least one of the one or more properties in response to the input to configure the function node to perform the first function, wherein, after said modifying, the function node is executable in the graphical program to perform the first function in accordance with the modified at least one of the one or more properties., as recited in such manners in each of independent claims 82 and 102.

Prior arts of record do not teach and/or suggest these claimed limitations, thus, all remaining pending claims 82-84 and 86-102 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ISAAC T. TECKLU whose telephone number is (571) 272-7957. The examiner can normally be reached on M-TH 9:300A - 8:00P.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Isaac T Tecklu/
Examiner, Art Unit 2192

/Tuan Q. Dam/
Supervisory Patent Examiner, Art Unit 2192